

Instructions for Preparing Legal Notices for Planning Commission Public Hearings

The Fairfax County Planning Commission staff is responsible for ensuring that legal notice requirements to property owners, for both Planning Commission and Board of Supervisors public hearings, have been satisfied. In accordance with the Fairfax County Zoning Ordinance (Section 18-110, Paragraph 4) the applicant/agent, individually and as designee of the Planning Commission staff, shall prepare and mail out legal notices in accordance with the following instructions. ***Failure to accurately comply with these instructions shall be due cause to cancel the hearing and reschedule same at a later date.***

IMPORTANT NOTES

1. The notification process is to be done for both the Planning Commission public hearing AND the Board of Supervisors public hearing. Normally the same individuals notified of the Planning Commission public hearing can be notified of the Board of Supervisors public hearing; however parcel owners must be re-verified to determine whether there has been a change in ownership. Separate notification packages will be provided to the applicant or agent approximately 30 days in advance of each public hearing.
2. For notification purposes, when the application property only involves part of a parcel, the entire parcel is to be treated as the subject property.
3. When the applicant/agent is not the owner of the subject property, a notification identical to that described for adjacent property owners must be sent by certified mail, return receipt requested, to the last known mailing address of the subject property owner(s) following steps prescribed in the Procedures below.
4. Based on Paragraph 4D of Section 18-110 of the Zoning Ordinance, the following applies when the subject property involves a condominium or cooperative or when the subject property is adjacent to a condominium or cooperative development:
 - A. When the application property is an individual condominium or cooperative unit within a condominium or cooperative building, written notice shall be provided to the condominium unit owners association (or proprietary lessees= association) and the unit owners immediately abutting the application property or on the same floor of the building as the application unit and those unit owners immediately above and below the application unit.
 - B. When the application property is abutting or immediately across the street from open space or common ground of a condominium or cooperative, the condominium unit owners= association or proprietary lessees= association shall be notified in lieu of the individual units owners.
 - C. When individual condominium or cooperative units or lots abut or are immediately across the street from the application property, written notice shall be sent to the owner of each such unit.
5. When the mailing address for the subject property owner and/or abutting property owners is outside of the United States, call a local Post Office to determine whether a Registered Mail Receipt must be used instead of PS Form 3800 (Receipt for Certified Mail).
6. According to the Zoning Ordinance (Paragraph 6 of Section 18-110), **The hearing body may by resolution prescribe additional means and forms of notices in connection with any matter falling within its jurisdiction.**

PROCEDURES

Legal Notice and Map

1. The applicant/agent is provided one copy of the legal notice and one copy of the property location map with the subject parcel(s) outlined.
2. The applicant/agent shall date the legal notice and reproduce a sufficient number of both the notice and the property location map to notify all required property owners in accordance with the steps on the following pages.

Property Owners to be Notified

1. In addition to notifying the subject property owner(s), the applicant/agent must send notifications by **certified mail**, return receipt requested, to the mailing address of all owners of abutting property, whether or not said owners actually reside on the property; and, to all owners of property immediately across the street, road, or highway from the subject property.
2. This notification requirement also applies to property owners in an adjoining county or city.
3. If the list of property owners compiled from item 1 above does not total twenty-five (25) different property owners, then additional notices must be sent to property owners in the immediate vicinity so that a minimum of twenty-five (25) different property owners are notified.
4. Notice sent by certified mail, return receipt requested, to the last known address of the owner(s) of parcels to whom notice is to be sent, as shown on the current real estate tax assessment records, shall comply with these provisions.

Tax Map Identification of Parcels

1. To identify the parcels to be notified, refer to the most recent property identification map book(s) available in the **Department of Tax Administration (DTA)** on the Plaza/Lobby Level (Second Floor) of the Government Center Building located at 12000 Government Center Parkway, Fairfax, Virginia.
2. The parcel of each owner(s) selected for notification must be identified by its complete tax map reference number. In the example shown below, 31-4 refers to the section sheet designation; ((2)) designates the subdivision; and 14 represents the parcel or lot number.
EXAMPLE: 31-4 ((2)) 14
3. The name and mailing address of the owner(s) of those Fairfax County parcels selected for notification shall be taken from the current real estate tax assessment records maintained by **DTA** on the Plaza/Lobby Level (Second Floor) of the Government Center Building. This information is also available online at www.co.fairfax.va.us/dta which is the internet address for DTA.
4. The name and mailing address of the owner(s) of those parcels located in jurisdictions other than Fairfax County, which are to be notified, shall be taken from the current real estate tax assessment records of such jurisdictions.

Items Needed for Certified Mail

1. The following three items are necessary for certified mailings: Blank #10 envelopes; Domestic Return Receipts (PS Form 3811); and Receipts for Certified Mail (PS Form 3800)
2. PS Form 3811 and PS Form 3800 are available at any branch of the United States Postal Service. (Refer to page 1 concerning the possible need for use of a Receipt for Registered Mail.)

Addressing of Envelopes

1. Envelopes must be labeled with the return address of the Planning Commission, NOT the address of the applicant. (Fairfax County Planning Commission, Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035-0042.)
2. Each envelope must contain only the dated legal notice(s) and the property location map(s) with the subject parcel(s) clearly outlined or highlighted. No other information shall accompany these enclosures.
3. All costs, including postage, will be borne by the applicant.

Addressing of Domestic Return Receipts

1. The green Domestic Return Receipt card (PS Form 3811) must also bear the return address of the Fairfax County Planning Commission and NOT the address of the applicant.
2. The application number must be legibly printed on the lower left-hand corner of the front of the green Domestic Return Receipt card (PS Form 3811).
3. The following sections must be completed on the back of the green Domestic Return Receipt card (PS Form 3811):
 - A. Indicate to whom the letter is addressed (Item 3 on Form 3811).
 - B. Fill in the Article Number (Item 4a on Form 3811).
 - C. Mark Certified as the type of service requested (Item 4b on Form 3811).

Addressing Receipts for Certified Mail

1. Each green/white Receipt for Certified Mail (PS Form 3800) must reflect the name and mailing address of the property owner(s) to whom the letter is sent.
2. Each green/white Receipt for Certified Mail (PS Form 3800) must be postmarked by a branch of the United States Postal Service.

Mailing Deadlines

1. To satisfy Zoning Ordinance requirements outlined in Paragraph 4 of Section 18-110, each applicant/agent shall mail the notices not less than fifteen (15) days prior to the date of the Planning Commission public hearing. The green/white Receipts for Certified Mail (PS Form 3800) must be postmarked by the Postal Service with a date not less than fifteen (15) days prior to the date of the public hearing.
2. To provide staff sufficient time to review the accuracy and completeness of the submitted notification materials, and to advise the applicant or agent of any notification errors to be corrected prior to the fifteen (15) day deadline, **the applicant or agent should postmark the notices, and provide all the required information to the Planning Commission staff, a minimum of twenty (20) days prior to the hearing date. Failure to adhere to this procedure may jeopardize the scheduled hearing date.**

Information to Transmit to the Planning Commission Office

On the same day as the mailing, or the workday immediately following, the applicant/agent shall furnish the Planning Commission Office, in person or by first class mail, the following information:

1. Using the format on page 4, or a similar format approved by the Planning Commission staff, a list identifying:
 - A. Subject property owner(s) notified;
 - B. Abutting/adjacent property owners notified (minimum of 25 different owners);
 - C. Mailing addresses of the individuals notified;
 - D. Complete tax map reference number of the parcels;
 - E. Certified receipt mailing numbers (found at the top of each PS Form 3800).
2. The postmarked Receipts for Certified Mail (PS Form 3800), to be postmarked not less than fifteen (15) days from the Planning Commission public hearing date.
3. A copy of both the dated legal notice and the property location map mailed to those notified.
4. The following statement dated and signed by the same applicant/agent whose name is listed on the zoning affidavit:

I certify, as the applicant and/or designee of the Planning Commission staff, that I have mailed the required legal notice and map for the Planning Commission public hearing on application _____ in strict accordance with the instructions furnished me by the Department of Planning & Zoning and the Planning Commission Office.

5. The name, address, and telephone number of the individual(s) who prepared the notices.

For Additional Information: For additional information or assistance, call the Planning Commission Office at 324-2865 or the Department of Planning & Zoning at 324-1290.

Fairfax County Planning Commission
Government Center Building, Suite 330
12000 Government Center Parkway
Fairfax, Virginia 22035-0042

NOTIFICATION INSTRUCTIONS FOR DEFERRED APPLICATIONS

Cases deferred to the day following the original Planning Commission public hearing date

When a motion is made, on the actual date of the scheduled Planning Commission public hearing, to defer an application, at the request or with the concurrence of the applicant/agent, to the day following the original public hearing date, no additional notice to property owners shall be required.

Cases deferred to a date certain more than one (1) day but less than four (4) weeks from the original Planning Commission public hearing date

When a motion is made, on the scheduled Planning Commission public hearing date, to defer an application, at the request of or with the concurrence of the applicant or agent, to a date certain more than 1 day but less than four (4) weeks from the original public hearing date, a supplemental notice to property owners shall be required. If the deferral falls within this time frame, the Planning Commission Office shall send a first class letter to all previously notified property owners concerning the new public hearing date and time.

Cases deferred to a date more than four (4) weeks from the original Planning Commission public hearing date

When a motion is made, prior to or on the scheduled Planning Commission public hearing date, to defer an application, at the request of or with the concurrence of the applicant or agent, to a date more than four (4) weeks from the original public hearing date, the applicant or agent shall re-notify by certified mail all previously notified property owners of the new public hearing date and time. All procedures, as outlined on pages 1 through 4 of these Instructions, shall be repeated.

APPLICATION(s) _____

PUBLIC HEARING DATE _____

Names & Mailing Addresses of Property Owners

Name & Mailing Address

Tax Map Reference Number

Certified Receipt Number

Sample Format